

Rule Number	Rule Title	Date of Adoption or Last Amendment	Is rule necessary? (Yes/No)	Is rule obsolete? (Yes/No)	Does rule overlap, duplicate, or conflict with other rules?	Can a less restrictive rule accomplish same purpose?	Can rule be modified to reduce regulatory burden or eliminate paperwork?	Does the rule properly incorporate material by reference?	For rules affecting small business: does the public purpose or interest for adopting justify continued existence of rule?	Appendix included? (For rules receiving public comment)	Add Page Number of the Appendix for response	Include the number of Comments received on rule.
5 CSR 10-1.010	General Department Organization	8/27/2013	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A
5 CSR 10-2.010	Scholarship Granting Organizations	11-3-2014 & 5-30-2015	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A
5 CSR 10-2.020	Scholarships	11-3-2014 & 5-30-2015	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A
5 CSR 10-2.030	Eligibility for Scholarships	11-3-2014 & 5-30-2015	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A
	Missouri School Improvement Program-5											
5 CSR 20-100.105		08-18-2011	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A
5 CSR 20-100.110	Programs for Gifted Children	08-16-2011	Yes	No	No	No	No	Yes	N/A	Yes	QS-1 to QS-2	1
	Advanced Placement, Dual Credit Course, and International Baccalaureate Fee Payment Program											
5 CSR 20-100.120		08-16-2011	Yes	No	No	No	This rule will be modified in the near future.	N/A	N/A	N/A	N/A	N/A
	General Provisions Governing the Consolidated Grants Under the Improving America's Schools Act											
5 CSR 20-100.130		08-16-2011	Yes	No	No	No	This rule will be modified in the near future.	Yes	N/A	N/A	N/A	N/A
	General Provisions Governing the Consolidated Grants For the Federal and State Discretionary Programs											
5 CSR 20-100.140		08-16-2011	Yes	No	No	No	This rule will be modified in the near future.	No	N/A	N/A	N/A	N/A
	Policies and Standards for Summer School Programs											
5 CSR 20-100.160		08-16-2011	Yes	No	No	No	This rule will be modified in the near future.	N/A	N/A	N/A	N/A	N/A
	Waivers of Regulations											
5 CSR 20-100.180		08-16-2011	Yes	No	No	Yes	This rule will be modified in the near future.	Yes	N/A	N/A	N/A	N/A
	A+ Schools Program						With the transfer of the A+ Schools Program to the Department of Higher Education, current rule needs revision					
5 CSR 20-100.200		9/30/12	Yes	Yes	No	No		Yes	N/A	N/A	N/A	N/A
5 CSR 20-100.210	Persistently Dangerous Schools	08-16-2011	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Internet Filtering											
5 CSR 20-100.220		8/16/11	Yes	No	No	No	CIPA requires this rule to reamin in effect.	Yes	N/A	N/A	N/A	N/A
	Virtual Instruction Program											
5 CSR 20-100.230		8/16/11	Yes	No	No	No	The current virtual rule is outdated to current practices and funding levels.	Yes	N/A	N/A	N/A	N/A
	Charter Schools						The renewal process needs to include more details for clarification.					
5 CSR 20-100.250		8/30/12	Yes	No	No	No		Yes	N/A	N/A	N/A	N/A
	Missouri School Improvement Program-5 Resource and Process Standards and Indicators											
5 CSR 20-100.255		09-20-2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A
	Standards for Charter Sponsorship											
5 CSR 20-100.260		6/30/13	Yes	No	No	No	Several standards need to be updated as they relate to current practices.	Yes	N/A	N/A	N/A	N/A
	Charter School Closure											
5 CSR 20-100.265		5/30/14	Yes	No	No	No	Closure procedures need to be more specific for better understanding.	Yes	N/A	N/A	N/A	N/A
	Standards and Operational Requirements											
5 CSR 20-200.110		06-30-1997	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
	Allowable Activities and Participating Student Eligibility											
5 CSR 20-200.120		09-30-1999	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
	Administration, Eligible Contributors, and Tax Credits											
5 CSR 20-200.130		09-30-1999	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
	Standards for Submission and Review of Proposals											
5 CSR 20-200.140		09-30-1999	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
	Missouri Textbook Filing											
5 CSR 20-200.150		08-14-1978	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
	State Plan for Career Education											
5 CSR 20-200.160		07-30-2008	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Implementation of Vocational Educational Programs											
5 CSR 20-200.170		02-15-1982	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Area Vocational School Service Regions											
5 CSR 20-200.180		06-01-1985	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Vocational-Technical Education Enhancement Grant Award Program											
5 CSR 20-200.190		05-30-2002	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Flag Etiquette											
5 CSR 20-200.200		10-30-1998	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A
	Student Assessment											
5 CSR 20-200.210		01-30-1998	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Determining Schools Having High Concentrations of Low-Income Children for Purposes of National Defense Education, National Direct and Federal Perkins Student Loan Cancellation											
5 CSR 20-200.220		08-09-1993	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
	Standards for Innovative an Experimental Programs											
5 CSR 20-200.250		08-15-1993	Yes	No	yes	Yes	This rule will be moved to Office of Quality Schools and be amended.	Yes	N/A	N/A	N/A	N/A
	Standards for Innovative and Experimental Programs											
5 CSR 20-200.250		08-15-1983					Moved to Quality Schools - Jocelyn Strand will move forward.		N/A	N/A	N/A	N/A
	Academic Standards											
5 CSR 20-200.260		05-30-1996	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Student Suicide Prevention Programs											
5 CSR 20-200.270		07-30-2001	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
	Private School Agriculture Programs											
5 CSR 20-200.280		05-30-2013	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
	Physical Fitness Challenge/Assessment “Cade’s Law”											
5 CSR 20-200.290		05-30-2014	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A
	Training of School Employees in the Care Needed for Students with Diabetes											
5 CSR 20-200.300		05-30-2014	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A

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5 CSR 20-300.110	Individuals with Disabilities Education Act, Part B	1/14/2014	Yes	No	No	No	No	Yes	NA	Yes	SE-1 to SE-2	1	
5 CSR 20-300.120	Individuals with Disabilities Education Act, Part C	1/14/2014	Yes	No	No	No	No	Yes	NA	N/A	N/A	N/A	
5 CSR 20-300.130	State Agency Payments to School Districts for Educational Services	9/16/1997	No	Yes	No	Yes	No	NA	NA	N/A	N/A	N/A	
5 CSR 20-300.140	Extraordinary Cost Fund	7/28/2000	No	Yes	Rescission proposed					Yes	SE-3 to SE-6	2	
5 CSR 20-300.150	Administrative Policies of the State Schools for Severely Disabled regarding Approved Private Agencies	7/23/1993	No	Yes	Rescission proposed								
5 CSR 20-300.160	Establishment of Sheltered Workshops	8/27/2013	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A	
5 CSR 20-300.170	Operation of Extended Employment Shelterd Workshops	8/27/2013	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A	
5 CSR 20-300.180	Renewal or Revocation of a Certificate of Authority	8/27/2013	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A	
5 CSR 20-300.190	Approval of Eligible Employees	8/27/2013	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A	
5 CSR 20-300.200	Disbursement of Funds	8/27/2013	Yes	No	No	No	No	NA	Yes	N/A	N/A	N/A	
5 CSR 20-400.110	Missouri Classroom Teacher Job-Sharing Provision	05/30/2005	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.125	Actions of the State Board of Education Relating to Applications for Educator Certificates	09/30/2013	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.150	Application for Certificate of License to Teach	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.160	Application for Certificate of License to Teach for Administrators	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.170	Application for a Student Services Certificate of License to Teach	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.180	Temporary Authorization Certificate of License to Teach	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.190	Application for a Career Education Certificate of License to Teach	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.200	Application for an Adult Education and Literacy Certificate of License to Teach	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.210	Application for Certificates of License to Teach on the Basis of Certification by the American Board for Certification of Teacher Excellence (ABCTE)	10/30/2008	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.220	Application for Substitute Certificate of License to Teach	09/30/2010	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.230	Discipline and Denial of Certificates of License to Teach	04/30/2004	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.240	Deletion of Certificates of License to Teach	09/30/1999	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.250	Certificate of License to Teach Content Areas	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.260	Certificate of License to Teach Classifications	10/30/2012	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.270	Fees	06/30/2013	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.280	Required Assessments for Professional Education Certification in Missouri	05/30/2013	Yes	No	Yes -- MoSTEP	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.290	Procedure for Potential Candidates for Missouri Certificate of License to Teach with a Criminal History to Petition the State Board of Education for Background Clearance	04/30/2005	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.300	Procedures and Standards for Approval of Professional Education Programs in Missouri	02/28/2007	Yes	No	Yes -- MoSPE	No	No	Yes	N/A	N/A	N/A	N/A	
5 CSR 20-400.310	Basic Education Competencies Required Prior to Admission to Approved Teacher Education Programs in Missouri	03/30/2013	Yes	No	Yes -- College-Base Assessment	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.320	Innovative and Alternative Professional Education Programs	11/30/2006	Yes	No	Yes -- MoSTEP	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.330	Clinical Experience Requirements for Candidates in Professional Education Programs	04/30/2003	Yes	No	Yes -- MoSPE	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.360	Missouri Critical Teacher Shortage Forgivable Loan Program	01/30/2002	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.370	Missouri Career Development and Teacher Excellence Plan	03/30/1996	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.375	Districts Effectively Evaluating Educators	04/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	
5 CSR 20-400.380	Mentoring Program Standards	09/30/2008	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A	

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5 CSR 20-400.390	State Level Professional Development Funds for Statewide Areas of Critical Need for Learning and Development	07/10/1994	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.400	School Board Member Orientation and Training	07/10/1994	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.410	Robert C. Byrd Honors Scholarship Program	03/30/2006	No	Yes	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.440	Procedures and Standards for Approval and Accreditation of Professional Education Programs in Missouri	03/30/2013	Yes	No	Yes -- MoSTEP	No	No	Yes	N/A	N/A	N/A	N/A
5 CSR 20-400.450	Missouri Advisory Board for Educator Preparation (MABEP)	12/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.500	Application for Certificate of License to Teach	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.510	Certification Requirements for Teacher of Early Childhood Education (Birth - Grade 3)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.520	Certification Requirements for Teacher of Elementary Education (Grades 1-6)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.530	Certification Requirements for a Teacher of Middle School Education (Grades 5-9)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.540	Certification Requirements for Teacher of Secondary Education (Grades 9 - 12)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.550	Certification Requirements for Teacher of K-12 Education	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.560	Certification Requirements for Teacher of Special Education	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.570	Certification Requirements for English Language Learners (Kindergarten - Grade 12)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.580	Certification Requirements for Gifted Education (Kindergarten - Grade 12)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.590	Certification Requirements for Elementary Mathematics Specialist (Grades 1 - 6)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.600	Certification Requirements for Special Reading (Kindergarten - Grade 12)	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.610	Certification Requirements for Initial Administrator Certificate	05/30/2014	Yes	No	No	No	No	N/A	N/A	Yes	EQ-1 to EQ-2	2
5 CSR 20-400.620	Certification Requirements for Transition Administrator Certificate	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.630	Certification Requirements for Career Continuous Administrator Certificate	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.640	Certification Requirements for Initial Student Services Certificate	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.650	Certification Requirements for Career Continuous Student Services Certificate	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.660	Certification Requirements for Career Education (Secondary) Certificates	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.670	Certification Requirements for Career Education (Adult) Certificate	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.680	Certification Requirements for Career Education (Secondary/Adult) Certificates	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.690	Certification Requirements for Career Continuous Career Education Certificate	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-400.700	Certification Requirements for Adult Education and Literacy	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.110	Standards for Vocational Rehabilitation	11/15/1982	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A
5 CSR 20-500.120	Definitions	05/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.130	Confidentiality and Release of Information	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.140	Minimum Standards	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.150	Eligibility	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.160	Order of Selection for Services	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.170	Appeals	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.180	Informal Review	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.190	Due Process Hearing	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.200	Mediation	08/30/2014	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A

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5 CSR 20-500.210	Services	01/30/2005	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.220	Fees	10/03/2003	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.230	Maintenance and Transportation	10/03/2003	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.240	Physical and Mental Restoration	08/30/2000	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.250	Training	08/30/2003	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.260	Home Modification and/or Remodeling	08/30/2000	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.270	Vehicle Modification	01/30/2005	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.280	Self-Employment	01/30/2005	Yes	Still necessary but needs updating	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.290	Centers for Independent Living	02/24/1989	Yes	No	No	No	No	N/A	Yes	N/A	N/A	N/A
5 CSR 20-500.300	Pertinent Regulations Relating to the Disability Determinations Program	10/30/1994	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A
5 CSR 20-500.310	Reporting Requirements	09/30/1999	No	Yes	Obsolete-rule to be rescinded	N/A	Obsolete-rule to be rescinded	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.320	Missouri State Plan for Adult Education	04/30/2010	Yes	No	No	No	No	Yes	N/A	N/A	N/A	N/A
5 CSR 20-500.330	Administration of High School Equivalence Program	12/30/2012	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.340	Standards for the Determination of Eligible Training Providers and Administration of Reimbursement for the Education of Persons Under the Workforce Investment Act of 1998 and Other Employment Training Funding Sources Contracting With the State Board of Educations	04/30/2003	No	Yes	Obsolete-rule to be rescinded	N/A	Obsolete-rule to be rescinded	Yes	N/A	N/A	N/A	N/A
5 CSR 20-500.350	Standards for the Approval and Continued Approval of On-the-Job Training for the Training of Veterans	01/02/1976	No	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.360	Standards for the Approval of Apprentice Courses for the Training of Veterans Under the Provisions of PL 90-77	01/02/1976	No	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-500.370	Standards for the Approval of Courses for the Education of Persons Under Veterans' Education and Vocational Rehabilitation	12/30/2003	Yes	No	No	No	No	N/A	N/A	N/A	N/A	N/A
5 CSR 20-600.110	General Provisions Governing Programs Authorized Under the Early Childhood Development Act	09-30-2013	Yes	No	no	no	This rule will be moved to 5 CSR 20-100 in the near future.	yes	N/A	N/A	N/A	N/A
5 CSR 20-600.120	Instruction for Prekindergarten	08-30-2015	Yes	No	no	no	This rule will be moved to 5 CSR 20-100 in the near future.	no	N/A	N/A	N/A	N/A
5 CSR 20-600.130	General Provisions Governing Programs Authorized Under Early Childhood Development, Education, and Care	03-30-2013	Yes	No	no	no	This rule will be moved to 5 CSR 20-100 in the near future.	Yes	N/A	N/A	N/A	N/A
5 CSR 20-600.140	Prekindergarten Program Standards	09-30-2015	Yes	No	no	no	This rule will be moved to 5 CSR 20-100 in the near future.	Yes	N/A	N/A	N/A	N/A
5 CSR 20-700.100	Statewide Longitudinal Data System	8/30/2015	Yes	No	No	No	No	No	N/A	N/A	N/A	N/A
5 CSR 30-4.030	Audit Policy and Requirements	Rescinded/Readopted 4-8-09, effect. 10-30-09; Proposed Amendment to SBE 8-11-15	Yes	Yes	No	Order to Amend approved by SBE 8/11/15	Order to Amend approved by SBE 8/11/15	Yes (included in Notice of Proposed Order to Amend)	Yes	N/A	N/A	N/A



**Department of Elementary and Secondary Education  
Administrative Rule Review  
Appendix**

5 CSR 20-100.110	.....	QS-1 to QS-2
5 CSR 20-300.110	.....	SE-1 to SE-2
5 CSR 20-300.140	.....	SE-3 to SE-6
5 CSR 20-400.610	.....	EQ-1 to EQ-2
5 CSR 110-1.010	.....	MAT-1 to MAT-9

## Comment

I am Chair of the Advisory Council for the Education of Gifted and Talented Children. The Council has authorized me to submit recommendations for changes in the rules related to programs for gifted children. Listed below are the changes being recommended:

IN (2), DELETE REFERENCE TO 2006-2007 and (August 2006) when referring to the General Administrative Procedures for Gifted Programs. (This rule should not specify a year related to the Procedures publication.)

ADD TO (3) AS FOLLOWS:

(C) Adopted procedures for the academic acceleration of gifted and talented students. These procedures must include how the district will assess a student's readiness and motivation for acceleration and how the district will match the level, complexity, and pace of the curriculum to achieve the best type of academic acceleration for that student. Options should include but not be limited to subject acceleration and whole grade acceleration.

(D) Developed plans to provide staff development to prepare teachers to meet the unique needs of gifted and talented students.

ADD TO (4) AS FOLLOWS:

(D) A review procedure whereby a parent or guardian can appeal the outcome of the gifted program's identification and placement procedure.

MODIFY WORDING OF (5) AS FOLLOWS:

Instructional personnel in the program for gifted students shall possess gifted certification. For teaching at the secondary level in specific content areas, instructional personnel in the program for gifted students shall also possess the appropriate content certification for the gifted program service they are providing.

Thank you. Linda Smith

## Response

The Department agrees with this comment and is currently in the process of revising the General Administrative Manual. When the manual revisions are complete, the Department will propose to modify the rule incorporating the revised manual.

(C) The Department declines to make a change in response to this comment. The Department believes that the adoption of specific procedures for acceleration may be best made at the local level and not mandated as one policy to be adopted for all districts in the state.

(D) The Department declines to make a change in response to this comment. The Department believes that this request is being addressed in our current educator evaluation policies with the requirements that a professional growth plan be established for all teachers.

ADD TO (4) AS FOLLOWS

(D) The Department declines to make a change in response to this comment. The Department believes these types of procedures are best determined and established at the local level and not mandated from the State.

MODIFY WORDING OF (5) AS FOLLOWS

The Department declines to make a change in response to this comment. The Department believes the existing rules are sufficient to meet the intent of your suggestion.



## Parent's Advocacy Link LLC

502 Hwy E, Strasburg, MO 64080-8007  
[www.theiepcenter.com](http://www.theiepcenter.com) 816 865 6262

## Special Education

Comments on 5 CSR 20-300.110 (E) 6 Individuals with Disabilities Education Act, Part B  
Procedural Safeguards, Administrative Hearing Rights

### Amendment Needed

Submitted to: [DESE.AdminRules@dese.mo.gov](mailto:DESE.AdminRules@dese.mo.gov) August 31, 2015 Fax 573 522 6384

Background: The Administrative Hearing Commission hears due process cases. Parents, under the IDEA "shall have an opportunity for an impartial due process hearing".

Currently the "burden of proof" lies on the initiator of the action, typically the parent. This roadblock prevents student with special needs from having their education needs addressed. Parents as the prevailing party is minimal.

Many parents in Missouri are not allowed this opportunity due to the costs involved, including expert fees, attorneys, as well as no access to complete or timely records, teachers, therapists, or observation of the child at school. Unlike the schools, parents don't know what potential placements are available, lack legal skills. Cross-examining a teacher of your child is uncomfortable and does not promote parent-teacher relationships.

Many other states place the BOP on the school district. The Supreme Court case Schaffer v. Weast (2005) allows states to choose to have their own laws on this. Data indicates after NY and NJ state legislatures placed the BOP on school systems, the number of cases decreased. This encourages accountability and introspection.

Families of children with disabilities have dramatically higher rates of poverty and are less educated, thus far less likely to prevail against a school system. Many Missouri school systems have insurance policies that provide an attorney who specializes in sped specifically for due processes. Often triggering "due process" is the only method a parent has to stop ("stay put") a change forced upon the student by the school district.

### Recommendations

Allow school districts to demonstrate their plan is appropriate for the child; move the burden of proof to the school districts—this would be fundamentally fair.  
Amend the state regulations to implement the letter and spirit of IDEA and "due process".

SEPAL appreciates the opportunity to provide input in this rule review process. We would like to work with the legislature to revise this unfairness of our most vulnerable children.

## **Response to comments on rule 5 CSR 20-300.110**

Marilyn McClure, with Special Education Parent's Advocacy Link LLC

Requests that the IDEA Part B state plan be revised to require that school districts have the burden of proof in all due process cases

The United States Supreme Court ruled in *Shaffer v. Weast*, 546 US 49 (2005) that the burden of proof in an administrative hearing challenging an IEP is properly placed upon the party seeking relief. The Supreme Court noted that several states urged them to decide that states may, if they wish, override the default rule and put the burden always on the school district. The Supreme Court determined that they did not need to decide that issue.

The practice in Missouri is consistent with the holding in the Supreme Court decision. No change will be made at this time.

**From:** Dave Wilson [<mailto:DaWilson@cpsk12.org>]

**Sent:** Monday, August 10, 2015 10:15 AM

**To:** DESE.AdminRules

**Cc:** Dana Clippard

**Subject:** High Needs Fund Rule Comment

Thank you for opening up the DESE administrative rules for public comment. Columbia Public Schools advocates that the administrative rule 5 CSR 20-300.140 be rewritten and brought in line with the current High Needs Fund statute. The rule has not been updated since prior to the passage of the High Needs Fund statute and contains several inaccuracies and incorrect interpretations. For example, the current rule still refers to a reimbursement for costs that exceed 5 times the average student, instead of 3 times. It also refers to a deadline for submission that is earlier than DESE currently publishes. The current rule is also more restrictive than the statute and is causing school districts to lose potential state revenue. The statute states:

1. The state department of elementary and secondary education shall reimburse school districts, including special school districts, for the educational costs of high-need children with an individualized education program exceeding three times the current expenditure per average daily attendance as calculated on the district annual secretary of the board report for the year in which expenditures are claimed.
2. A school district shall submit, through timely application, as determined by the state department of elementary and secondary education, the cost of serving any student, as provided in subsection 1 of this section.

The statute implies that any cost of educating a student should be included in the calculations for high needs fund and current DESE practices reinforces that implication in that it uses the average cost per student calculation from the ASBR for the High Needs Fund calculations. It seems odd that costs such as administrative, custodial, and other non-instructional costs would be used in determining the average cost per student, but be specifically excluded from the High Needs Fund costs that districts can include. Please consider rewriting the Administrative rule to include all costs associated with educating the students on the High Needs Fund, including indirect and non-instructional costs as these are also necessary and required costs.



## MISSOURI COUNCIL OF ADMINISTRATORS OF SPECIAL EDUCATION

3550 Amazonas Drive, Jefferson City, MO 65019

[www.mo-case.org](http://www.mo-case.org)

573.644.7804

### Comments on 5 CSR 20-300.140 Extraordinary Cost Fund

Submitted to [DESE.AdminRules@dese.mo.gov](mailto:DESE.AdminRules@dese.mo.gov)

On behalf of our almost 1000 members, the Missouri Council of Administrators of Special Education (MO-CASE) respectfully recommends reconsideration and revision of the Extraordinary Cost Fund Rules to more appropriately implement the High Need Fund.

#### Background

The Extraordinary Cost Fund was originally developed as recommended in an IDEA reauthorization. DESE staff and stakeholders collaboratively developed the parameters for the Extraordinary Cost Fund, e.g. the 5 times level and other provisions, which were the basis for 5 CSR 20-300.140 that became effective in 1998.

A few years later, the due process and subsequent court appeals of *Springfield v. Lewis* created an impetus to change state law regarding the state responsibility for students for whom local districts are unable to serve. SB 287 was an agreement to revise state law to remove the state's responsibility for serving all students a local district was "unable to serve" and to establish a High Need Fund (HNF) to cover the costs that districts would incur for difficult and expensive to educate students. The HNF statute is as follows:

- 162.974. 1. The state department of elementary and secondary education shall reimburse school districts, including special school districts, for the educational costs of high-need children with an individualized education program exceeding three times the current expenditure per average daily attendance as calculated on the district annual secretary of the board report for the year in which expenditures are claimed.
2. A school district shall submit, through timely application, as determined by the state department of elementary and secondary education, the cost of serving any student, as provided in subsection 1 of this section.

MO-CASE is unclear about why rules were not promulgated for this new law. Instead, it appears that the existing regulations for the Extraordinary Cost Fund were used to implement the HNF. Not only is the level of funding difference (5 times to 3 times); the HNF is also fundamentally different because state law requires this reimbursement. The HNF statute provides for full reimbursement of costs exceeding 3 times the current per pupil expenditure without a restriction to direct instructional costs.

#### Recommendations

1. Revise the existing Extraordinary Cost Fund rule to implement the letter and spirit of RSMo.162.974, the authority for the High Need Fund. (The current rule cites RSMo.162.975 (1) as the authority for the rule which is a statute that has been repealed.)

2. Revise the rules to include reimbursement beyond direct instructional costs and allow administrative, evaluative and support service costs either as a prorated amount, indirect cost calculation, or other appropriate allocation mechanism. The annual secretary of the board report (ASBR) used to calculate the 3 times amount includes all costs associated with educating students and to be equitable all costs should also be included in the reimbursement provided over that amount by the HNF.

MO-CASE appreciates the opportunity to provide comments during the rule review process. We look forward to working with you to consider a revision in this important regulation.

**Response to comments on rule 5 CSR 20-300.140**

Dr. David Wilson with Columbia Public Schools

Dr. Diane Cordy Golden with Missouri Council of Administrators of Special Education

Note that the regulation conflicts with statute, 162.974 RSMo by limiting reimbursement from the High Need Fund to costs that exceed five times the current expenditure per average daily attendance. 162.974 requires reimbursement when the costs exceed three times the current expenditure per average daily attendance.

Request that indirect and non-instructional costs be included when determining the costs associated with educating students with disabilities.

The Department is rescinding this rule as it conflicts with the statute.

**Office of Educator Quality  
Administrative Rules Review**

**Comment EQ-1:**

DESE Administration

I would like to comment on the rules related to administrative certification and the requirements for initial certification for administration in 5 CSR 20-400.610.

I feel that the requirements are excluding a very qualified group of educators that make significant contributions to our schools. School counselors that are certified under the student services certificate are excluded from the administrative certification under these rules.

I have a hard time understanding how a counselor must take a different and extended path to administrative certification. If I recall correctly, the guidance degree requires approximately 30-45 additional hours above a BSE and when they are implementing the Model Guidance Program they are in classrooms, small groups, etc., essentially teaching the guidance curriculum. They also work closely with teachers, administrators and parents daily. I always included the counselors as part of my administrative team and they are an important part of our everyday operations. These counselors are very capable of being building level administrators.

I feel that this rule should be looked at and amended to allow Student Services Counselors who have at least 3 years of counseling experience and have completed a state approved administrative program as well as pass the administrative test to be certified with Initial Administrative certification. . Thank you for your consideration.

Sincerely,  
**Dr. Jim Chandler**  
Superintendent, Warren County R-III School District

**Comment EQ-2:**

DESE Administration:

I would like to comment on the rules related to administrative certification and the requirements for initial certification for administration in 5 CSR 20-400.610.

I feel that the requirements are excluding a very qualified group of educators that make significant contributions to our schools. Under the current rules, school counselors that are certified under the student services certificate, who did not possess a BS in Education and hold a teaching certificate, are excluded from the administrative certification under these rules.

I have a hard time understanding how a counselor must take a different, and extended path to administrative certification. The school guidance/counseling degree requires approximately 45 additional hours above a BS, and while implementing the Model Guidance Program, school counselors are in classrooms, small groups, etc. "teaching" the guidance curriculum. School counselors also work closely with teachers, administrators and parents on a daily basis. Additionally, they are often included

in conversations at the administrative level, as counselors are an important part of the school's everyday operations. With this, I believe school counselors are very capable of being building level administrators.

On a personal note, I took a different path into education. I received a BS in Criminal Justice, but later decided that I wanted to pursue a career in the field of education. I got my MA in Counseling and took school counselor praxis to get my initial Student Services certificate. While working on my school counselor certification, I was in the classroom as a classroom teacher for two years. However, under this rule, I am still excluded because while teaching in the classroom, I was certified under a Temporary certificate for one year and a Student Services certificate the other. When I enrolled in the Specialist in Educational Administration program through Lindenwood, I was under the impression that the 2 year teaching requirement was fulfilled because of my prior classroom history, and was not made aware that simply being a teacher, in my own classroom, was not enough. Instead, to be able to qualify for administrator certification, I must have taught under a specific certificate. Thus, I now possess an EdS, which I cannot use, even though I took the SLLA and scored at a high level. My question to you is this...was the must teach for 2 years rule written to ensure administrators understand the inner workings of classroom management and instruction, or simply that one possess a certain piece of paper?

I feel that this rule should be looked at and amended to allow school counselors, who only possess a Student Services certificate, but have at least 3 years of counseling experience and have completed a state approved administrative program as well as pass the administrative test to be certified with an Initial Administrative certification. Thank you for your consideration.

Sincerely,  
Lori Chandler  
Guidance Counselor  
Warrenton High School  
803 Pinckney Road  
Warrenton, MO 63383  
(636) 456-6902 ext. 2322

**Response:**

Rule 5CSR 20-400.610 was reviewed and approved by the State Board of Education in 2014 based upon recommendations received during the comment period from K-12 practitioners, representatives from higher education, and well as

*Mid-America Hearing Center*

*1050 W. Hayward Drive, Mt. Vernon, MO 65712 417-466-7196*

RECEIVED

AUG 21 2015

08/18/2015

Assistant Commissioner  
Office of Data System Management

Title 5- Department of Elementary and Secondary Education  
Attn: Barbara LePage  
PO Box 480  
Jefferson City, MO 65102-0480

Re: Periodic review of 5 CSR 110-1.010 Telecommunications Access Program

Dear Ms. LePage:

I am a Board Certified Hearing Instrument Specialist, employed by Mid-America Hearing Center in Mt. Vernon, MO. I have been with this same company for 24 years and as a State Authorized Supervisor, I have trained several others to do this very important work.

For years, the Missouri Assistive Technology Advisory Council has discriminated against Hearing Instrument Specialists (even those of us who are Board Certified) in its Tap-for-Telephone program, in its qualification for and distribution of free, tax payer supplied amplified phones for Missouri's hearing impaired citizens.

\* It has been routinely stated in open meetings by program administrators and other related personnel, that we are not qualified to select, distribute and educate their patients on amplified phones.

\* Yet, Hearing Instrument Specialists have selected and fitted very complicated digital hearing aids and many different types of assistive listening devices for years with few complaints.

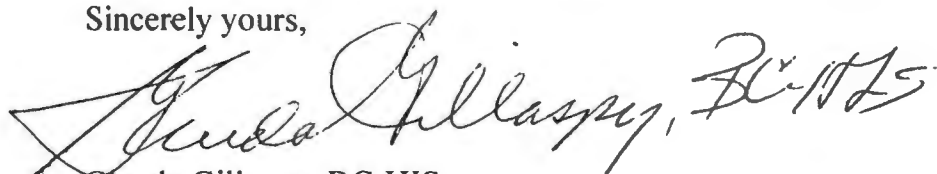
\* Many of my colleagues in this state own, operate or are employed by Missouri small businesses. This discrimination inhibits their continuity of care for their patients.

\* 5 CSR 110-1.010 (2) (H) (3) 1 specifically lists Hearing Instrument Specialists as certifying agents.

Page 2

- \* Some of our patients bring in their Tap-for-Telephone instruments, asking us for help, stating that the training in the government run program was very limited.
- \* Please stop discriminating against Hearing Instrument Specialists and Audiologists as certifying agents!
- \* One advantage would be that none of the distributed work would be at taxpayer expense.
- \* This is an artificial constraint, having no basis in state statutes.
- \* Finally, the Missouri Hearing Society would be happy to provide such training as is required by the Program Administrator.

Sincerely yours,



Glenda Gillaspy, BC-HIS  
MO License #1111  
1050 W. Hayward Drive  
Mt. Vernon, MO 65712  
1-800354-1905, ext. 137



*Mid-America Hearing Center*

*1050 W. Hayward Drive, Mt. Vernon, MO 65712 417-466-7196*

August 13, 2015

RECEIVED

AUG 21 2015

TO: **Title 5 - Department of Elementary and Secondary Education**  
Attn: Barbara LePage  
PO Box 480  
Jefferson City, MO 65102-0480  
[DESE.AdminRules@dese.mo.gov](mailto:DESE.AdminRules@dese.mo.gov)

Assistant Commissioner  
Office of Data System Management

RE: **Periodic Review of 5 CSR 110-1.010 Telecommunications Access Program**

The purpose of this letter is to provide comments for the periodic review of the rule cited above. This rule is commonly referred to as the Tap program. My comments are focused on the telephone portion a.k.a. the "Tap For Telephone" program. Many states, including Texas, have similar programs.

- For years, the Missouri Assistive Technology Advisory Council, in its Tap-For-Telephone program, has discriminated against Hearing Instrument Specialists (HIS), regarding the distribution of free, tax payer supplied, amplified phones for Missouri's hearing impaired citizens.
  - I have personally heard TAP program administrators, and other related personnel, routinely stated, in open meetings that Hearing Instrument Specialists are not qualified to select, distribute, or provide consumer support on amplified phones.
  - Yet for years, our Hearing Instrument Specialists routinely select, dispense, and provide support for very complicated, digital hearing aids, and assistive listening devices such as amplified phones, with nearly no formal complaints.
  - As a licensed, and board certified, Hearing Instrument Specialist, I own and operate a Missouri small business. This discrimination inhibits our continuity of care for our patients.
- Stop discriminating against Hearing Instrument Specialists and Audiologists as certifying agents.
  - Several years ago, the legislature specifically added Hearing Instrument Specialists to the list of those who could certify hearing impaired individuals for the program.
  - As our HIS began to submit their patients to qualify for the free phones, we learned from some Tap-For-Telephone staff that they were instructed to tear up our applications and resubmit their own; thus, giving the appearance that Hearing Instrument Specialists were not utilizing the program. We stopped wasting our time submitting applications.
  - 5 CSR 110-1.010 (2) (H) (3) 1 specifically lists Hearing Instrument Specialists as certifying agents.
  - Forcing poor, hearing impaired Missourians to seek out alternatives for taxpayer supplied devices delays utilization while wasting their precious time and limited money.

*Toll Free (800) 354-1905 Fax (417) 466-2129*  
*www.midamericahearing.com*

- Destroying patient records, and falsifying new ones, is, at the least, a waste of taxpayer monies.
- We have many copies of TAP applications if you want to match to your records.
- I personally attended the consumer support program training offered at a MSHA conference, was certified to select and distribute adaptive equipment; only to be told later, that no HIS was qualified even if they had received the training.
- Support Hearing Instrument Specialists and Audiologists as suppliers of Tap-For-Telephone equipment to meet hearing impaired Missourian's communication needs. The advisory council should implement the less restrictive approach of utilizing all licensed hearing health care providers to select appropriate equipment and provide consumer support.
  - 5 CSR 110-1.010 (10) (C) specifies that the program administrator shall deliver consumer support ...through contracts with qualified individuals, organizations, vendors, and other entities.
  - 5 CSR 110-1.010 (10) (C) 1 lists the qualifications of consumer support providers competency in the selection, consumer orientation, and training on adaptive equipment. Included are: have the expertise and experience to assist consumers in identifying telephone equipment to meet their needs, be able to provide training and orientation, and participate in training to assure competency.
  - Our Hearing Instrument Specialists, and Audiologists, easily meet these qualification requirements as they routinely select, dispense, and provide consumer support for far more complicated, digital hearing aids, and other assistive devices including amplified phones.
  - During the 2014 session, the legislature tried to add Hearing Instrument Specialists to the list of people who could select and distribute this equipment. The TAP administrators testified against the bill stating that they really did not want anyone, other than themselves, including Audiologists, selecting and distributing this equipment.
  - Since the TAP program administrator has the authority to select qualified consumer support entities, no additional legislation should be required for this or any other proposed changes.
  - 5 CSR 110-1.010 (10) (B) specifies that the program administrator process applications and deliver equipment that assures an appropriate match between the individual with a disability and the adaptive equipment.
  - 5 CSR 110-1.010 (10) (B) 7 specifies that the equipment be shipped directly to the end consumer. This cause two and three week delays between equipment selection, orientation, and training and the actual installation and use of the amplified phone.
  - The result is that some of our patients bring Tap-For-Telephone amplified phones to us, asking for training, stating that they received limited training from the government run program.
  - Hearing Instrument Specialists have even gone to their patients' homes to install the equipment and provide consumer support.

- This rule should be modified to include the option to ship to the end user's licensed or certified provider so that they can provide timely consumer support, training, and orientation.
- Hearing impaired Missourians will receive better continuity of care from their chosen hearing health care provider.
- 5 CSR 110-1.010 (10) (C) 2 B specifies that those agencies with narrowly focused contact ... can be approved to provide consumer support limited to that focus. Hearing Instrument Specialists and Audiologists are quite familiar with a similar approach as we routinely refer patients to other providers when outside our scope of practice.
- There are no limits in state statutes that prohibit implementing these changes.
- Many other states, including Texas, have distributed their Tap-For-Telephone programs to great success.
- One benefit would be that the TAP administrators could focus their efforts on the more complicated communications situations requiring more adaptive equipment beyond should amplification.
- 5 CSR 110-1.010 (10) (B) 4 should be rescinded as it artificially limits licensed providers to those approved prior to July 1, 2007.
  - Thus only an ever dwindling supply of licensed hearing professionals is available outside of government agencies.
  - There is no basis in state statutes for this artificial constraint.
- Finally, the rule calls for appropriate training to be provided by the Program Administrator. The Missouri Hearing Society would welcome such training at its annual convention just as was done at the MSHA conference in prior years

Respectfully Submitted,

Scott George, B.S., BC-HIS (Board Certified in Hearing Instrument Sciences)  
President



417-466-7184 ext. 152.

CC: Missouri Hearing Society at [info@missourihearingsociety.org](mailto:info@missourihearingsociety.org)

James D. Shandy, B.A., BC-HIS  
Americas Best Centers for Hearing Aids  
Cape Girardeau, MO. 63703  
573-335-5443

OFFICE OF DATA

August 11, 2015

AUG 14 2015  
SYSTEM MANAGEMENT

TO: **Title 5 - Department of Elementary and Secondary Education**  
Attn: Barbara LePage  
PO Box 480  
Jefferson City, MO 65102-0480

CC: Missouri Hearing Society at

RE: Periodic Review of 5 CSR 110-1.010 Telecommunications Access Program  
(To read the entire rule, go to

)

The purpose of this letter is to provide comments for the periodic review of the rule cited above. This rule is commonly referred to as the Tap-For-Telephone program. Many states have a similar program.

- For years, the Missouri Assistive Technology Advisory Council, in its Tap-For-Telephone program, has discriminated against Hearing Instrument Specialists (HIS), regarding the distribution of free, tax payer supplied, amplified phones for Missouri's hearing impaired citizens.
  - Program administrators and other related personnel, have routinely stated, in open meetings that HIS are not qualified to select, distribute and educate their patients on amplified phones.
  - Yet, Hearing Instrument Specialist have selected and dispensed very complicated, digital hearing aids, and assistive listening devices such as amplified phones, for years with few complaints.

- Many Hearing Instrument Specialists own, operate, or are employed by Missouri small businesses. This discrimination inhibits their continuity of care for their patients.
- Stop discriminating against Hearing Instrument Specialists and Audiologists as certifying agents.
  - Several years ago, the legislature specifically added Hearing Instrument Specialists to the list of those who could certify hearing impaired individuals for the program.
  - As HIS began to submit their patients to qualify for the free phones, we learned from some Tap-For-Telephone staff that they were instructed to tear up our applications and resubmit their own; thus, giving the appearance that Hearing Instrument Specialists were not utilizing the program. We stopped wasting our time submitting applications.
  - 5 CSR 110-1.010 (2) (H) (3) 1 specifically lists Hearing Instrument Specialists as certifying agents.
  - Forcing poor hearing impaired Missourians to seek out alternatives for taxpayer supplied devices delays utilization while wasting their precious time and limited money.
  - Destroying patient records, and falsifying new ones, is, at the least, a waste of taxpayer monies
  - At least one Hearing Instrument Specialist attended the consumer support program training, was certified to select and distribute equipment; only to be told later, that no HIS was qualified even with the training.
  - Some of our patients bring Tap-For-Telephone amplified phones to us, asking for training, stating that they received limited training from the government run program.
- Support Hearing Instrument Specialists and Audiologists as suppliers of Tap-For-Telephone equipment to meet hearing impaired Missourian's communication needs. The advisory council should implement the less restrictive approach of utilizing all licensed hearing health care providers to select appropriate equipment and provide consumer support.
  - 5 CSR 110-1.010 (10) (C) specifies that the program administrator shall deliver consumer support ...through contracts with qualified individuals, organizations, vendors, and other entities.
  - 5 CSR 110-1.010 (10) (C) 1 lists the qualifications of consumer support providers competency in the selection, consumer orientation, and training on adaptive equipment.
  - During the 2014 session, the legislature tried to add Hearing Instrument Specialists to the list of people who could select and distribute this equipment. The Tap-For-Telephone administrators testified against the bill stating that they really did not want anyone, other than themselves, including Audiologists, selecting and distributing this equipment.

- 5 CSR 110-1.010 (10) (B) specifies that the program administrator process applications and deliver equipment that assures an appropriate match between the individual with a disability and the adaptive equipment.
- Hearing Instrument Specialists, and Audiologists, easily meet these requirements as they routinely select and dispense far more complicated, digital hearing aids, and other assistive devices including amplified phones.
- Hearing impaired Missourians will receive better continuity of care from their chosen hearing health care provider. When a specialist is required, Audiologists and Hearing Instrument Specialists routinely refer those patients to other providers.
- Many other states, including Texas, have distributed their Tap-For-Telephone programs to great success.
- One added advantage is none of the distributed work would be at taxpayer expense.
- 5 CSR 110-1.010 (10) (B) 4 should be rescinded as it artificially limits licensed providers to those approved prior to July 1, 2007.
  - Thus only an ever dwindling supply of licensed hearing professionals is available outside of government agencies.
  - There is no basis in state statutes for this artificial constraint.
- Finally, the rule calls for appropriate training to be provided by the Program Administrator. The Missouri Hearing Society would welcome such training at its annual convention just as was done at the MSHA conference in prior years

Respectfully Submitted,



James D. Shandy, B.A., BC-HIS  
 353 Christine St Suite 4  
 Cape Girardeau, MO. 63703  
 573-335-5443

Re: Appendix: Response to Rule Receiving Public Comment: 5 CSR 110-1.010  
From: Marty Exline, Director: Missouri Assistive Technology

The Rule Review for 5 CSR 110-1.010 received almost identical comments from three commenters. While most of the comments do not relate to questions in the JCAR review form, Missouri Assistive Technology feels it is important to address as the majority of comments about the program are incorrect, or are based on program aspects which have not been applicable for many years.

There are no discriminating differences between the functions that Hearing Instrument Specialists (HIS), audiologists, SLPs or physicians may undertake with respect to the program. They are exactly the same for each profession. All are allowed to certify the disability of applicants. Current program staff that have been in place for many years have never expressed any opinions about the qualifications of HIS in any type of public meetings or forums. With respect to applications, program staff accepts all correctly completed applications and do not destroy or falsify applications. If applications are completed incorrectly by a certifying entity, program staff will contact the entity to explain the errors on the application so they may be submitted correctly and supply the current application form to the entity if needed. The comments are incorrect related to delays in shipping equipment and training. There are no program limits on training for a consumer for the TAP-T equipment. If a consumer requires training or assistance with equipment provided, the individual may contact program staff; the center where they received their device demonstration; or any other entity or individual including an HIS. The majority of TAP-T consumers do not request or need additional training. While most equipment is shipped directly to the consumer, there is flexibility in the program should the individual request that it be shipped to the location where they received their demonstration or to some other individual or entity.

Entities that provide device demonstrations for equipment selection receive no reimbursement for the time spent with consumers to try out different devices among the more than 20 equipment options and combinations of equipment. To ensure accurate consumer/equipment match and ensure cost effective use of public funds, the agencies doing equipment selection are required to have the full range of TAP-T equipment available to do demonstrations and consumer/equipment match and are entities with no potential for financial benefit from selecting equipment. We appreciate the opportunity to respond to the commenters to provide updated information about the program.

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